

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Eric Jeffries,)	
)	
Plaintiff,)	Case No. C-1-02-351
)	
vs.)	
)	
Centre Life Insurance Co.,)	
<u>et al.</u> ,)	
)	
Defendants.)	

O R D E R

This matter came before the Court on September 16, 2003 for a status conference on a number of outstanding motions, pleadings, and objections to orders of the Magistrate Judge. For the reasons stated on the record at the conference: Plaintiff Eric Jeffries' motion for a preliminary injunction (Doc. No. 2) is **MOOT**; Defendant Disability Management Services, Inc.'s ("DMS") motion to dismiss Counts I and II of the complaint (Doc. No. 11) is well-taken and is **GRANTED**. Counts I and II as to DMS are **DISMISSED WITH PREJUDICE**; Plaintiff's motion for partial summary judgment on the issue whether DMS is an agent of Centre Life Insurance Company (Doc. No. 14) is well-taken and is **GRANTED** because Centre Life Insurance admits that it is responsible for any actions taken by DMS on its behalf; Plaintiff's motion for summary judgment as a matter of law (Doc. No. 20) is not well-taken and is **DENIED** for the reasons stated by Magistrate Judge Hogan in his Report and Recommendation of January 15, 2003 (Doc. No. 30); Defendant Centre Life Insurance Company's motion to file

an amended answer and counterclaim (Doc. No. 64) is well-taken and is **GRANTED**.

As further discussed at the conference, this matter is set for a telephonic hearing on other pending pleadings on October 1, 2003, at 9:00 a.m.

IT IS SO ORDERED

Date_____

s/Sandra S. Beckwith
Sandra S. Beckwith
United States District Judge